

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 26-59 are pending in the present application. Claims 1-25 were previously canceled in a preliminary amendment.

The Examiner indicated that Claims 1-25 are subject to restriction or election requirement. However, Claims 1-25 were canceled in the July 21, 2003 Preliminary Amendment which accompanied this patent application (No. 10/624,414). Copies of 1) the July 21, 2003 Preliminary Amendment; 2) the cover sheet for filing the divisional application; and 3) a copy of the stamped postcard are attached. Claims 26-52, which are pending in the present application, do not fall within Restriction Groups I-IV, which are only directed to restricting Claims 1-25.

In a May 13, 2004 phone conversation with Examiner Habte concerning this restriction requirement, the Examiner indicated that the Preliminary Amendment canceling Claims 1-25 was not entered in the present application.

Applicants respectfully request that the Preliminary Amendment of July 21, 2003 be entered for this patent application, and that the Examiner withdraw the restriction requirement for Claims 1-25, which are no longer pending in the present application.

RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

The Examiner has required restriction to one of the following inventions under 35 USC 121:

Group I consists of claims 1-2 (in part), 8-11, 17-18 (in part) and 23-25 (in part), drawn indoles where both V and W in formula I are C; Z is N and X=N, classified in class 546, subclass 17.

Group II consists of claims 1-2 (in part), 7 (in part), 12 (in part), 13-14, 17-18 (in part) and 23-25 (in part), drawn spiro-piperidines where both V and W in formula I are C; Z is C and X is N, classified in class 546, subclass 15.

Group III consists of claims 1-2 (in part), 7 (in part), 12 (in part), 15-16, 17-18 (in part) and 23-25 (in part), drawn indoles where both V and W in formula I are C; Z is N and X is C, classified in class 548, subclass 408.


Group IV consists of claims 1-2 (in part), 7 (in part), 17-18 (in part), 19-22 and 23-25 (in part), drawn to others, classified in classes 544, 546, 548, 564, subclass various.

Applicants respectfully point out that Claims 1-25 are not pending in the present application. Claims 26-52, filed in the Preliminary Amendment of July 21, 2003, are pending in the present application and all fall within Restriction Group IV.

Applicants respectfully request that the restriction requirement be withdrawn.

Applicants believe that all of the objections and rejections have been overcome by the above argument.

Respectfully submitted,

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